



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Wilma L. Joseph (CONS/PE)

Case No. 03CEPR00827

Attorney Rindlisbacher, Curtis (for Lisa M. Lepper, Trustee of the Joseph 1994 Rev. Living Trust)

Attorney Ratzlaff, Ruth E. (for Beverly Perryman, Conservator of the Person and Estate)

Attorney Poochigian, Mark S. (for California Baptist Foundation)

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee

DOD: 6/17/2014	BEVERLY PERRYMAN , niece, was appointed Conservator of the Person on 7/22/2003, and as Conservator of the Estate on 12/29/2008.	NEEDS/PROBLEMS/COMMENTS: 1. Need current Status Report pursuant to Local Rule 7.5(B), and notice of the status hearing with a copy of the Status Report to be served on all parties. 2. <i>Order Appointing Probate Conservator</i> filed 12/29/2008 containing Attachment 29 finds that upon execution of the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST and the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST , the Conservatorship of the estate shall terminate. Need proof to be filed with the Court that the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST and the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST were executed, and that the terms of said <i>Order</i> have been met such that the Conservator of the Person and Estate may be discharged via an <i>Ex Parte Petition for Final Discharge and Order</i> . 3. Need proposed order for termination of the Conservatorship.
Cont. from	Notice of Status Hearing filed 6/10/2015 set this status hearing on 7/23/2015 for termination of proceedings for the deceased Conservatee. Clerk's Certification of Mailing shows notice was served to Beverly Perryman on 6/10/2015.	
Aff.Sub.W	<p>Order Approving Substituted Judgment to Create Charitable Remainder Trust and Amend Revocable Trust) Prob. C. 2580(a) filed 12/29/2008 finds, in part:</p> <ul style="list-style-type: none"> BEVERLY PERRYMAN is appointed as Conservator of the Estate for the sole purpose of creating and executing the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST approved by this Court order (to minimize income taxes), and to execute the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST approved by this court order; Upon execution of the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST and the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST, the Conservatorship of the estate shall terminate; LISA M. LEPPER shall serve as Trustee of the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST until the death of Wilma L. Joseph, and upon her death Lisa Lepper shall execute a resignation as Trustee, and the CALIFORNIA BAPTIST FOUNDATION shall then serve as the Successor Trustee of both of these trusts. 	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		X
Aff.Mail		X
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Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objectn		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Post		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notc		
		Reviewed by: LEG
		Reviewed on: 7/20/15
		Updates:
		Recommendation:
		File 1 – Joseph

(1) Second and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Attorney; and (3) Distribution.

DOD: 8/22/14		<p>PUBLIC GUARDIAN, Conservator, is Petitioner.</p> <p>Account period: 10/2/12 – 8/22/14 Accounting: \$130,406.97 Beginning POH: \$78,134.32 Ending POH: \$12,318.82</p> <p>Account period: 8/23/14 – 9/30/14 Accounting: \$14,208.26 Beginning POH: \$12,318.82 Ending POH: \$ 9,312.90 (\$7,903.37 cash plus personal property items)</p> <p>Conservator: \$4,852.92 (for 36.04 Deputy hours @ \$96/hr and 18.33 Staff hours @ \$76/hr, itemized at Exhibit C)</p> <p>Attorney: \$1,250.00 (Less than local rule)</p> <p>Bond fee: \$50.00 (minimum – ok)</p> <p>Costs: \$435.00</p> <p>Petitioner states the Decedent's will is a pour-over will to her trust, so her assets consisting of \$1,315.45 plus personal property items should be distributed to the successor trustee, Kathleen Carlton. Copies of will and trust attached.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/30/15, 6/11/15. As of 7/20/15, nothing further has been filed.</p> <p><u>Note:</u> Status Report filed 6/9/15 states the PG does not have an original copy of the will. Ms. Kruthers contacted Attorney Robyn Esraelian to request the original, who reported that she does not have the original. She is attempting to contact another family member to request the original. Therefore, PG needs a continuance to wait for the attorney to track down the will. The PG has requested an affidavit from the trustee and expects to have it before the continued date. Ms. Kruthers respectfully requests that this matter be continued for another six weeks. There is no harm to the estate for the delay because it is just two item of personal property that are secured.</p> <p><u>The following issues remain noted:</u></p> <ol style="list-style-type: none"> 1. Need Declaration pursuant to Probate Code §13100 from Kathleen Carlton, Successor Trustee of the Family Trust of Elmer M. Herman and Esther F. Herman. 2. Need Declaration re trust from Kathleen Carlton, Successor Trustee, pursuant to Local Rule 7.12.5. 3. Need original will pursuant to Probate Code §8200. 	
Cont from 043015, 061115				
	Aff.Sub.Wit.			
✓	Verified			
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✓	Notice of Hrg			
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	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	2620			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc				
Reviewed on: 6/8/15				
Updates: 6/9/15				
Recommendation:				
File 4 - Herman				

		<p>ANTON KREMER, Trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, filed a Petition to Invalidate Trust Dated October 1, 2013 and any amendments on the Grounds of Undue Influence and Incapacity, etc., on 1/14/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/30/15, 6/11/15. As of 7/20/15, nothing further has been filed.</p>	
<p>Cont. from 043015, 061115</p>				
	Aff.Sub.Wit.	<p>On 10/16/14, the Court was advised by Lisa Horton (attorney for Anton Kremer) that an agreement was reached, and the Court set a status hearing re Acceptance of Terms and Conditions of the Proposed Agreement.</p> <p>Note: It does not appear that any petition for approval of settlement or signed settlement agreement was ever presented to the Court.</p> <p>On 3/19/15, a Substitution of Attorney was filed that reflects that Anton Kremer is now self-represented.</p> <p>Mr. Kremer concurrently filed this Notice of Motion and Motion for Order to Enforce Settlement Agreement, along with Memorandum of Points and Authorities, requesting a judgment against Kevin L. Tracy requiring him to fulfill the terms of the Settlement Agreement.</p> <p>Attached to the motion is an <u>unsigned</u> settlement agreement, along with various photos and lists of personal property items.</p>	<p>1. Petitioner cites CCP §664.6, which allows the Court to <u>enter judgment</u> on a stipulation for settlement, and to retain jurisdiction for enforcement.</p> <p>Here, the settlement agreement was never brought before the Court for judgment. Rather, the Court was informed of various terms of the settlement by status report of Petitioner's attorney only.</p> <p>Petitioner has now filed this motion to enforce the settlement, with an <u>unsigned</u> agreement attached.</p> <p>The Court may require authority to enforce settlement absent a signed settlement and Court judgment on the settlement itself, or any judgment on the original petition.</p> <p>Otherwise, it appears that the original petition is still outstanding.</p>	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			x
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	Letters			
	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	x		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p><u>SEE ADDITIONAL PAGES</u></p>		
		<p>Reviewed by: skc</p>		
		<p>Reviewed on: 7/20/15</p>		
		<p>Updates:</p>		
		<p>Recommendation:</p>		
		<p>File 9 – Zsiba</p>		

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Petitioner's Memorandum of Points and Authorities states Kevin L. Tracy has failed to fulfill the terms of the 10/15/14 Settlement Agreement which represents a mutually agreed, legally binding, contract. Both parties agreed, on the record, in open court and signed a written agreement covering all issues involved in the pending litigation. Petitioner requests the Court enter a judgment to enforce the settlement agreement pursuant to Code of Civil Procedure § 664.6 which states that if parties stipulate in a writing signed outside the presence of the court or orally before the court for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement, and may retain jurisdiction to enforce the settlement. Additional authority also cited. Petitioner describes various personal property items at issue and asks the Court to enforce the settlement agreement.

On 4/13/15, Kevin Lee Tracy filed Memorandum of Points and Authorities in Opposition to Petitioner's Motion to Enforce Settlement Agreement. Objector states he has fulfilled his end of the settlement agreement. Petitioner alleges that the items were delivered in poor condition. Objector states items were delivered in the condition in which they were found, and made good faith effort to find all items listed and deliver same to Petitioner. See description of circumstances. Attached is an unsigned settlement agreement. Objector respectfully asks the court for dismissal of Petitioner's motion for enforcement.